

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by Todd Vargo, Planner I

SUBJECT: DG 8-2-03 ICW North, 4300 Weston Road/ Generally located at the northeast corner of Weston Road and Pointe West Drive.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on "ICW North Plat" from: "Parcels B, D, and a portion of A (A-2), are restricted to 137,000 square feet of light industrial use; Parcels F and a portion of E (E-2), are restricted to 270,102 square feet of light industrial use, Parcels C, G, a portion of A (A-1) and a portion of E (E-1), are restricted to 270,112 square feet of commercial use" to: "A portion of Parcels B, D, and a portion of A (A-2) are restricted to 137,000 square feet of light industrial use; Parcel F and a portion of Parcel E (E-2) are restricted to 270,102 square feet of light industrial use; Parcels G, and a portion of A (A-1) a portion of E (E-1) and a portion of B and D are restricted to 270,112 square feet of commercial use; Parcel C is restricted to a lake."

The ICW North Plat consists of a number of different commercial and light industrial uses spread among several different parcels. Parcel C was originally approved for 15,000 of the 270,112 total square feet of commercial use allowed by plat but was subsequently excavated and made into a lake. The requested note amendment would drop Parcel C from the list of parcels where commercial use is permitted and add Parcels B and D to the existing 270,112 square feet of commercial use. The restrictive note would also limit Parcel C to a lake.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as the ICW North Plat was recorded in the public records of Broward County in Plat Book 163, Page 48; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the ICW North Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A" and as follows:

from: "Parcels B, D, and a portion of A (A-2), are restricted to 137,000 square feet of light industrial use; Parcels F and a portion of E (E-2), are restricted to 270,102 square feet of light industrial use, Parcels C, G, a portion of A (A-1) and a portion of E (E-1), are restricted to 270,112 square feet of commercial use"

to: "A portion of Parcels B, D, and a portion of A (A-2) are restricted to 137,000 square feet of light industrial use; Parcel F and a portion of Parcel E (E-2) are restricted to 270,102 square feet of light industrial use; Parcels G, and a portion of A (A-1) a portion of E (E-1) and a portion of B and D are restricted to 270,112 square feet of commercial use; Parcel C is restricted to a lake."

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>		<u>Agent:</u>	
Name:	Pointe West Commerce II, L.P.	Name:	John D. Voigt
Address:	1096 E. Newport Center Drive Suite 100	Address:	1177 SE 3 Avenue
City:	Deerfield Beach, FL 33442	City:	Fort Lauderdale, FL 33316
Phone:	(954) 570-8111	Phone:	(954) 762-3400

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the restrictive note on "ICW North Plat" from "Parcels B, D, and a portion of A (A-2), are restricted to 137,000 square feet of light industrial use; Parcels F and a portion of E (E-2), are restricted to 270,102 square feet of light industrial use, Parcels C, G, a portion of A (A-1) and a portion of E (E-1), are restricted to 270,112 square feet of commercial use" to "A portion of Parcels B, D, and a portion of A (A-2) are restricted to 137,000 square feet of light industrial use; Parcel F and a portion of Parcel E (E-2) are restricted to 270,102 square feet of light industrial use; Parcels G, and a portion of A (A-1) a portion of E (E-1) and a portion of B and D are restricted to 270,112 square feet of commercial use; Parcel C is restricted to a lake."

Address/Location: 4300 Weston Road/Generally located on Weston Road, north of Griffin Road.

Future Land Use Plan Designation: Commercial

Zoning: BP – Business Park District

Existing Use: 137,000 square feet of light industrial (Parcels B, D, and A-2); 270,102 square feet of light industrial (Parcels F and E-2); 270,112 square feet of commercial (Parcels G, B, D and A-1).

Proposed Use: 137,000 square feet of light industrial (Parcels B, D, and A-2); 270,102 square feet of light industrial (Parcels F and E-2); 270,112 square feet of commercial (Parcels G, B, D, E-1 and A-1) and a lake (Parcel C).

<u>Parcel Size:</u>	83.646 acres (3,643,633 square feet)
<u>Parcel 'A':</u>	14.618 acres (636,741 square feet)
<u>Parcel 'B':</u>	4.114 acres (179,201 square feet)
<u>Parcel 'C':</u>	2.157 acres (93,975 square feet)
<u>Parcel 'D':</u>	3.242 acres (141,200 square feet)
<u>Parcel 'E':</u>	15.495 acres (674,957 square feet)
<u>Parcel 'F':</u>	4.354 acres (189,642 square feet)
<u>Parcel 'G':</u>	17.53 acres (763,627 square feet)
<u>Right-of-Way Dedication:</u>	2.43 acres (88,986 square feet)
<u>Lake Parcels 1-3:</u>	14.105 acres (614,459 square feet)
<u>Tracts 1-9:</u>	5.989 acres (260.845 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Car Dealership (Weston Nissan/Volvo)	Commercial
South:	Shopping Center	Commercial
East:	I-75 and public school (Shotgun East Plat)	Transportation
West:	Vacant and Residential (Weston)	Residential (Weston)
<u>Surrounding Zoning:</u>		
North:	BP – Business Park District	
South:	BP – Business Park District, U – Utilities District	
East:	T - Transportation	
West:	Residential (Weston)	

ZONING HISTORY

Related Zoning History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

Previous Requests on same property: Town Council approved the “ICW North Plat” on July 17, 1996. The subject plat was recorded by Broward County on October 30, 1997 in Plat Book 163, Page 48 of the Broward County Records.

On March 6, 1996, Town Council approved rezoning request ZB 11-3-95 on second reading which rezoned the 115 acre site consisting of the ICW North and ICW South Plats from A-1, Agricultural District, to BP, Business Park District.

On January 8, 1997, Town Council approved rezoning request ZB 10-1-96 on second reading amending the conceptual master plan to provide for common areas, lake parcels and proposed uses of land for the “ICW North Plat.”

Town Council approved DG 7-1-99 on July 21, 1999, a plat amendment which amended the restrictive note to provide for an increase of 45,000 square feet of commercial use for land within the “ICW North Plat.”

On February 6, 2002, Town Council approved DG 12-2-01, which amended the restrictive note on the plat to provide for a 45,000 square foot reduction of light industrial use, adding 3,000

square feet of motorcycle dealership and adding 5,240 square feet of accessory wholesale, provided that the motorcycle dealership and accessory wholesale shall be located on no more than 0.71 acres.

On March 24, 2003, Town Council approved DG 3-1-03, which amended the restrictive note on the plat to transfer 15,000 square feet of commercial use from Parcels C, G, a portion of A (A-1) and a portion of E (E-1) to Parcels B and D.

APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the "ICW North Plat."

Current Plat Note: Parcels B, D, and a portion of A (A-2), are restricted to 137,000 square feet of light industrial use; Parcels F and a portion of E (E-2), are restricted to 270,102 square feet of light industrial use, Parcels C, G, a portion of A (A-1) and a portion of E (E-1), are restricted to 270,112 square feet of commercial use

Proposed Plat Note: A portion of Parcels B, D, and a portion of A (A-2) are restricted to 137,000 square feet of light industrial use; Parcel F and a portion of Parcel E (E-2) are restricted to 270,102 square feet of light industrial use; Parcels G, and a portion of A (A-1) a portion of E (E-1) and a portion of B and D are restricted to 270,112 square feet of commercial use; Parcel C is restricted to a lake.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires a Delegation Request for a plat note amendment.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies:

The proposed amendment to the restrictive note of ICW North Plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff Analysis/Findings of Fact

The ICW North Plat consists of a number of different commercial and light industrial uses spread among several different parcels. Parcel C was originally approved for 15,000 of the 270,112 total square feet of commercial use allowed by plat but was subsequently excavated and made into a lake. The requested note amendment would drop Parcel C from the list of parcels where commercial use is permitted and add Parcels B and D to the existing 270,112 square feet of commercial use. The restrictive note would also limit Parcel C to a lake.

Town Council approved a similar delegation request on March 24, 2003 (DG 3-1-03) transferring commercial from Parcel C to Parcels B and D. However, instead of transferring commercial between parcels, the County asked the request be reworded to add Parcels B and D to the existing 270,112 square feet of commercial use and delete Parcel C from the list of parcels where commercial use is permitted. The request will not change the level of development.

The proposed amendment is consistent with the existing and proposed use of the subject site. Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

Staff Recommendation

Recommendation: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Exhibits

1. Justification letter
2. Plat
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

✓KS

LAW OFFICES
DOUMAR, ALLSWORTH, CROSS, LAYSTROM,
VOIGT, WACHS, MAC IVER & ADAIR, LLP

JOHN H. ADAIR, III, P.A.
EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
WILLIAM S. CROSS, P.A.**
RAYMOND A. DOUMAR, P.A.*

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BROWARD (954) 762-3400
MIAMI (305) 945-3172
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C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
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JEFFREY S. WACHS, P.A.†

JOHN W. PERLOFF, P.A.‡
OF COUNSEL

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN
‡ BOARD CERTIFIED REAL ESTATE LAWYER
** CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

August 8, 2003

Martin Berger, Planning Section Manager
Development Management Division
BROWARD COUNTY GOVERNMENT CENTER
115 S. Andrews Avenue - Room A240
Ft. Lauderdale, Florida 33301

Re: ICW North Plat Note Amendment - Request to Amend Application

Dear Marty:

Please treat this letter as my request to change the pending plat note amendment request to the following:

Proposed Note for entire plat: A portion of PARCELS B, D, and a portion of A (A-2) are restricted to 137,000 square feet of light industrial use; Parcel F and a portion of Parcel E (E-2) are restricted to 270, 102 square feet of light industrial use; Parcels G and a portion of A (A-1), a portion of E (E-1) and a portion of B and D are restricted to 270, 112 square feet of commercial use; Parcel C is restricted to lake.

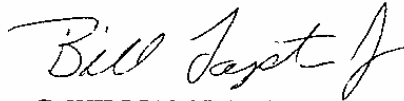
In reviewing the old plat note we identified that the commercial square footage was restricted to several different parcels within the plat. We now propose to allow that same commercial square footage to be used on a portion of Parcels B and D. Likewise we have eliminated Parcel C from the list of Parcels where commercial would be permitted. Parcel C is actually a lake area which is part of the storm water management system for the entire Plat and will now be designated as "lake" in the plat note.

We understand that County typically assigns separate trips (square footage) to each parcel within an approved plat. However, in the case of the ICW North plat, it was originally approved with several different parcels within the plat being combined into a

single, general commercial plat note The commercial use for the ICW North plat was not broken out and allocated parcel by parcel. Now we wish to drop a parcel from the commercial note and add a parcel to the same note. Thus, in this instance there is no change in the traffic generation or the generation rate for the plat.

Based upon this revision, we believe there is no change to the trips generated by the ICW North plat and therefore no change to the impacts on adjacent roadways. If you need any additional documentation to support our request, please do not hesitate to contact me.

Yours truly,

A handwritten signature in cursive script that reads "Bill Laystrom, Jr.".

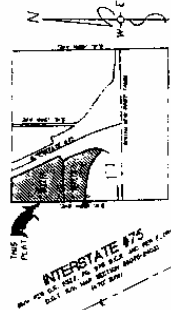
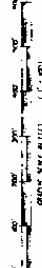
C. WILLIAM LAYSTROM, JR.
For the Firm

CWL:lv
Enc.

cc: Rick Case
Greg Kyle

ICW NORTH

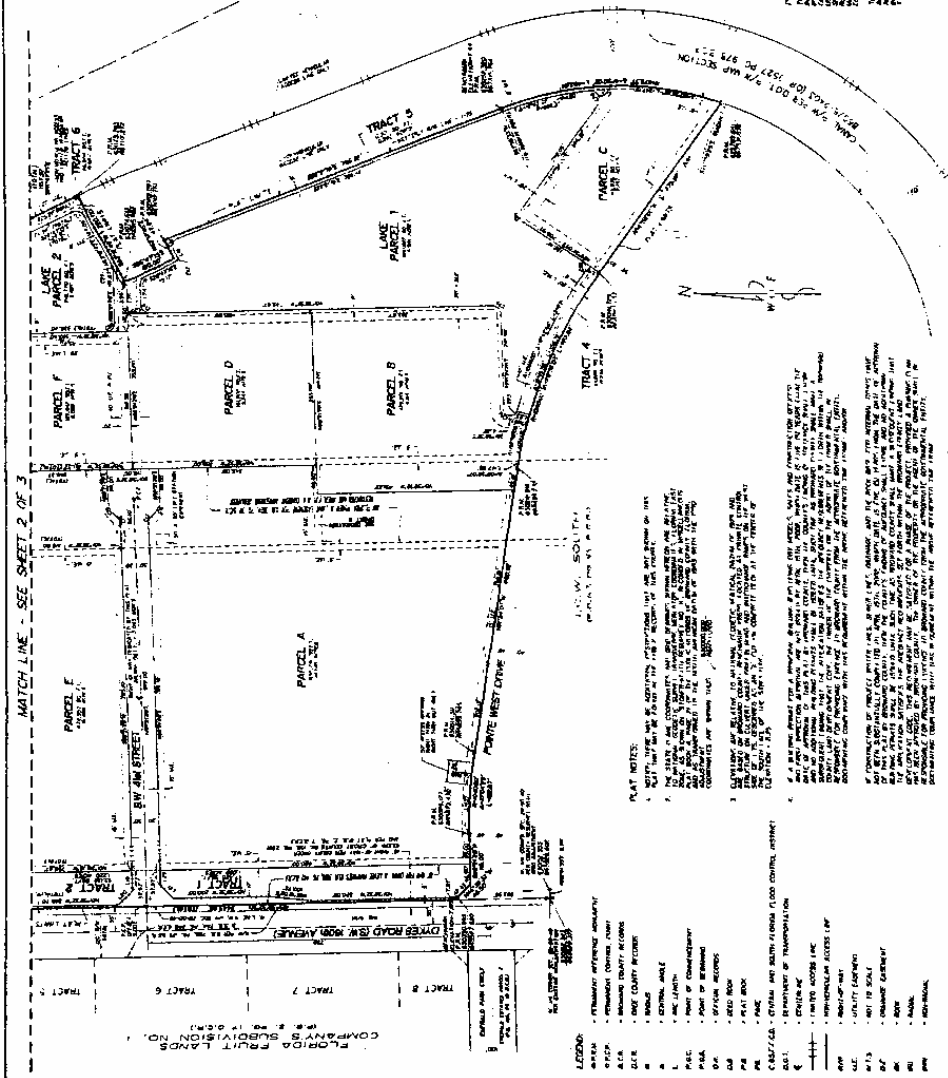
A REGION OF SOUTH FLORIDA IN THE TOWN OF DUNN, HARRIS COUNTY, FLORIDA



LOCATION MAP

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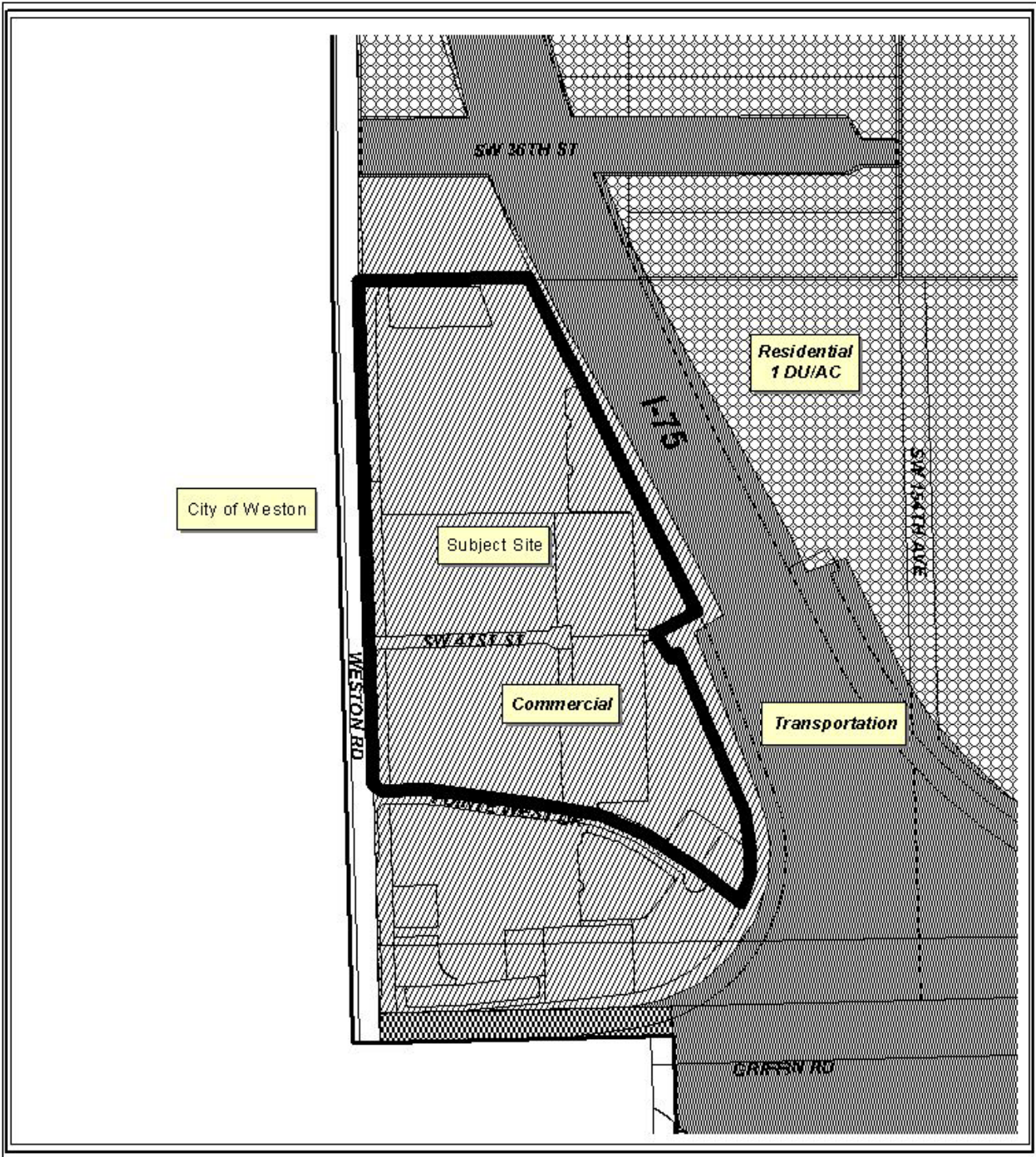
PLAT RESTRICTION NOTE:
THIS PLAT IS RESTRICTED TO THE USE OF THE SOUTH FLORIDA CANAL (C-11) PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER OF RECORD.



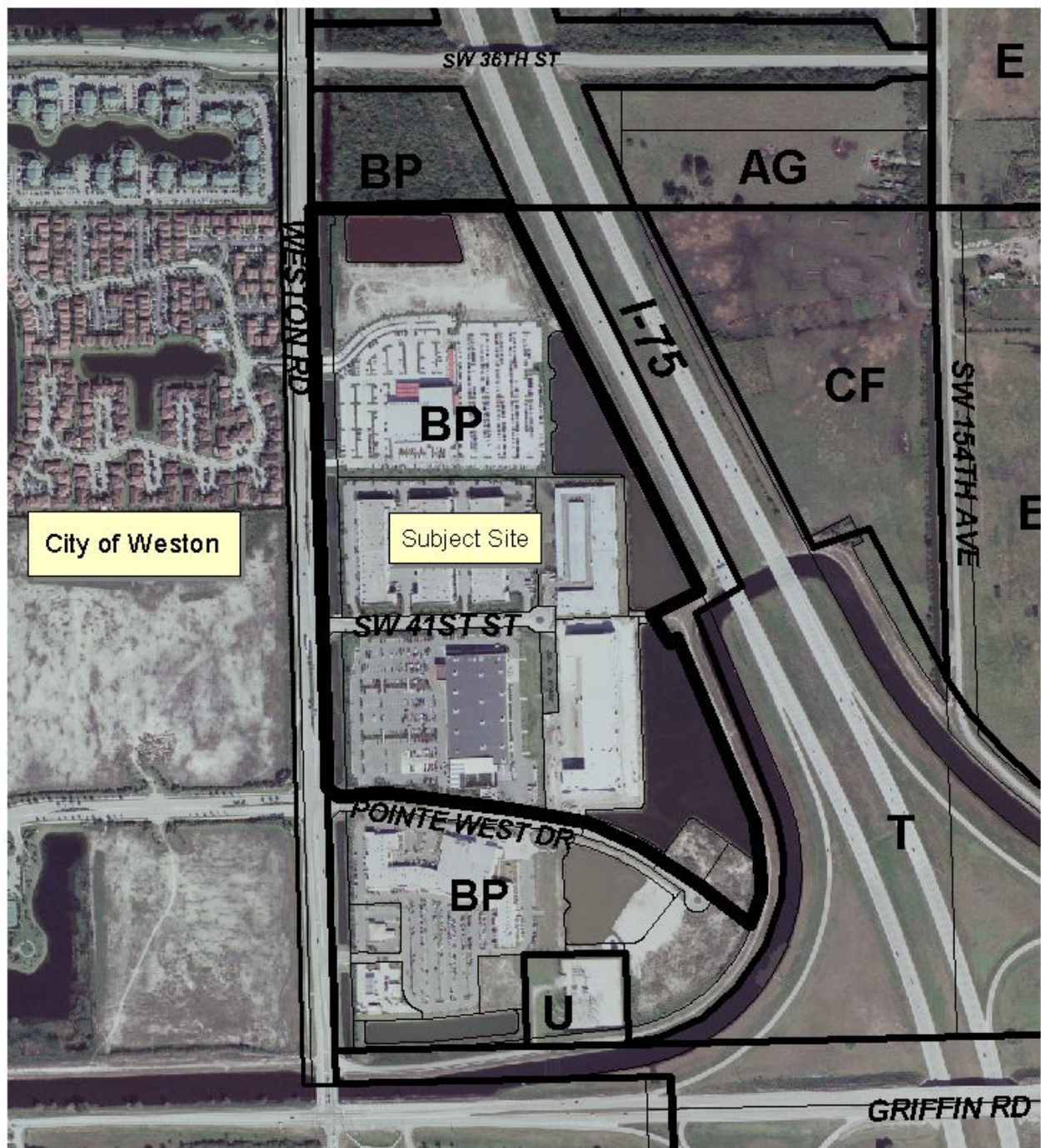
SOUTH NEW RIVER CANAL (C-11)

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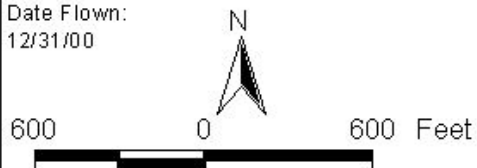
Engineer of Survey
Professional Engineer
State of Florida
No. 12345
Expiration Date: 12/31/2024



 <p>600 0 600 Feet</p> <p>Planning & Zoning Division - GIS</p>		<p>DELEGATION REQUEST DG 8-2-03 Future Land Use Map</p> <p>Prepared By: TAV Date Prepared: 8/18/03</p>
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Date Flown:
12/31/00



Planning & Zoning Division - GIS



DELEGATION REQUEST DG 8-2-03 Zoning and Aerial Map

Prepared By: TAV
Date Prepared: 8/18/03